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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/727,290

11/29/2000

John C. Goodwin III

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6321

26884

7590

06/14/2005

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EXAMINER

ABDULSELAM, ABBAS I

ART UNIT

PAPER NUMBER

2677

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/727,290	<b>Applicant(s)</b> GOODWIN ET AL.	
	<b>Examiner</b> Abbas I. Abdulsalam	<b>Art Unit</b> 2674	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 October 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. In view of the appeal brief filed on 10/29/04, PROSECUTION IS HEREBY REOPENED, as set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Cragun et al. (USPN 5504675).

Regarding claim 1, Cragun teaches a method of displaying information by a network kiosk (Fig. 1 (10)) comprising the steps of: sensing a person within a predetermined distance of

Art Unit: 2674

the kiosk by proximity sensor of the kiosk; (Fig. 1 (20, 22)), Fig. 4 (102) and col. 4, lines 8-20) displaying first information in response to sensing step by a display of the kiosk to attract attention of the person to the first information of the display and to attempt to persuade the person to approach and use the kiosk; (col. 5, lines 9-23, Fig. 4 (104), appealing visual images) timing a time period of displaying the first information; (col. 5, lines 46-56, Fig. 4 (118) and interaction time) and displaying second information which is less distinctive than the first information by the display if the person does not begin use of the kiosk within the time period (col. 5, lines 66, col. 6, lines 1-5 and back to 102 in Fig. 4, see loop in Fig. 4 (118, F and 102 ).

Regarding claim 2, Cragun teaches a method of displaying information by a network kiosk (Fig. 1 (10)) comprising the steps of: sensing a person within a predetermined distance of the kiosk by proximity sensor of the kiosk; (Fig. 1 (20, 22)), Fig. 4 (102) and col. 4, lines 8-20) displaying first information in response to sensing step by a display of the kiosk to attract attention of the person to the first information of the display and to attempt to persuade the person to approach and use the kiosk; (col. 5, lines 9-23, Fig. 4 (104), appealing visual images) timing a time period of displaying the first information; (col. 5, lines 46-56, Fig. 4 (118) and interaction time) and displaying second information which is less distinctive than the first information by the display if the person n is no longer within the predetermined distance of the kiosk and the time period has expired (col. 5, lines 40-23 and back to 102 in Fig. 4, see loop in Fig. 4 (116, F, 102).

Regarding claim 3, Cragun teaches a method of displaying information by a network kiosk (Fig. 1 (10)) comprising the steps of: displaying first information by a display of the kiosk; sensing a person passing within a predetermined distance of the kiosk by a proximity sensor of the kiosk; (Fig. 1 (20, 22)), Fig. 4 (102) and col. 4, lines 8-20) displaying second information which is more distinctive than the first information by the display in response to said sensing step to attract attention of the person to the second information of the display and to persuade the person to approach and use the kiosk; (col. 5, lines 9-23, Fig. 4 (104), appealing visual images) timing a time period of displaying the second information; (col. 5, lines 46-56, Fig. 4 (118) and interaction time) and displaying third information by the display if the person is no longer within the predetermined distance of the kiosk and the time period has expired (col. 5, lines 40-23 and back to 102 in Fig. 4, see loop in Fig. 4 (116, F, 102)).

Regarding claim 4, Cragun teaches a method of displaying information by a network kiosk (Fig. 1 (10)) comprising the steps of: displaying first information by a display of the kiosk; sensing a person passing within a predetermined distance of the kiosk by a proximity sensor of the kiosk; (Fig. 1 (20, 22)), Fig. 4 (102) and col. 4, lines 8-20) determining second information for display by the display which is more distinctive than the first information in response to said sensing step; wherein the second information attracts attention of the person to the second information of the display and to persuade the person to approach and use the kiosk; displaying the second information by the display; (col. 5, lines 9-23, Fig. 4 (104), appealing visual images) timing a time period of displaying the second information to wait for the person to operate the kiosk; (col. 5, lines 46-56, Fig. 4 (118) and interaction time) determining third information for

Art Unit: 2674

display which is less distinctive than the second information when the person is no longer within the predetermined distance of the kiosk and the time period has expired; and displaying the third information by the display(col. 5, lines 40-23 and back to 102 in Fig. 4, see loop in Fig. 4 (116, F, 102).

Regarding claim 5, Cragun teaches a network kiosk comprising: a display for displaying information; (Fig. 1 (10)) a proximity sensor; and a computer which senses a person within a predetermined distance of the kiosk; (Fig. 1 (20, 22)), Fig. 4 (102) and col. 4, lines 8-20) displays first information in response to sensing the person to attract attention of the person to the first information of the display and to persuade the person to approach and use the kiosk; (col. 5, lines 9-23, Fig. 4 (104), appealing visual images) times a time period of displaying the first information, (col. 5, lines 46-56, Fig. 4 (118) and interaction time) and displays second information which is less distinctive than the first information if the person does not begin use of the kiosk within the time period (col. 5, lines 66, col. 6, lines 1-5 and back to 102 in Fig. 4, see loop in Fig. 4 (118, F and 102 ).

Regarding claim 6, Cragun teaches a network kiosk comprising: a display for displaying information; (Fig. 1 (10)) a proximity sensor; and a computer which senses a person within a predetermined distance of the kiosk, (Fig. 1 (20, 22)), Fig. 4 (102) and col. 4, lines 8-20) displays first information in response to sensing the person to attract attention of the person to the first information of the display and to persuade the person to approach and use the kiosk, (col. 5, lines 9-23, Fig. 4 (104), appealing visual images) times a time period of displaying the first

Art Unit: 2674

information, (col. 5, lines 46-56, Fig. 4 (118) and interaction time) and displays second information which is less distinctive than the first information if the person is no longer within the predetermined distance of the kiosk and the time period has expired(col. 5, lines 40-23 and back to 102 in Fig. 4, see loop in Fig. 4 (116, F, 102).

Regarding claim 7, Cragun teaches a network kiosk as recited in claim 6, wherein the proximity sensor comprises an ambient light sensor, which senses a drop in ambient light when the person is within the predetermined distance (col. 4, lines 29-35).

Regarding claim 8, Cragun teaches a method of attracting a person to a network kiosk (Fig. 1 (10)) comprising the steps of: sensing a person passing within a predetermined distance of the kiosk by proximity sensor of the kiosk; (Fig. 1 (20, 22)), Fig. 4 (102) and col. 4, lines 8-20) displaying first information and displaying a sound in response to said sensing step to attract attention of the person to the first information of the display and to persuade the person to approach and use the kiosk; ((col. 5, lines 9-23, Fig. 4 (104), appealing visual images and sound track or statrling sounds), timing a time period of displaying the first information and playing the sound; (col. 5, lines 46-56, Fig. 4 (118) and interaction time) displaying second information which is less distinctive than the first information and stopping the sound if the person does not begin use of the kiosk within the time period(col. 5, lines 66, col. 6, lines 1-5 and back to 102 in Fig. 4, see loop in Fig. 4 (118, F and 102 ).

***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following art is cited for further reference.

U.S. Pat. No. 6,624,843 to Lenon

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abbas I. Abdulsalam whose telephone number is (571) 272-7685. The examiner can normally be reached on Monday through Friday from 9:00 A.M to 5:30 P.M.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abbas Abdulsalam

Examiner

Art Unit 2674

  
**XIAO WU**  
**PRIMARY EXAMINER**